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DATE: 12/9/03

OUR REF.: BSI-430US8

TIME:

YOUR REF.: Appln No. 09/657,041

TO:	Examiner Thaler
COMPANY:	USPTO
FROM:	Jonathan Spadt
FAX TELEPHONE:	703-872-9306
OFFICE TELEPHONE:	703-308-2981
TITLE OF DOCUMENT:	Communication

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COMMENTS

Original filing by mail because of letters patent surrender.

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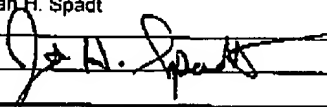
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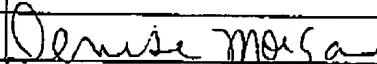
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/657,041
	Filing Date	9/5/2000
	First Named Inventor	Leonard Pinchuk et al.
	Art Unit	3731
	Examiner Name	Michael H. Thaler
Total Number of Pages in This Submission 8 + 1 patent	Attorney Docket No.	BSI-430US8

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 3 pg. communication; 1 replacement sheet of drawings; claims underlined (1 pg.); Partially executed Supplemental Reissue Application Declaration; original U.S. Patent No. 5,855,598
Remarks:		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT		
Firm or Individual	Jonathan H. Spadt	Registration No. (Attorney/Agent)
Signature		45,122
Date	12/9/03	

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Appln. No.: 09/657,041

BSI-430US8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 09/657,041
Applicant: Leonard Pinchuk et al.
Filed: 9/5/2000
Title: Expandable Supportive Branched Endoluminal Grafts
T.C./A.U.: 3731
Examiner: Michael H. Thaler
Confirmation No.: 9622
Docket No.: BSI-430US8

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Sir:

In accordance with telephone conversations between the applicants' below signed representative and Examiner Thaler on October 24, 2003 and December 8, 2003, the applicants respectfully submit the following to satisfy remaining formality requirements:

1. Supplemental Reissue Oath/Declaration

A Supplemental Reissue Oath/Declaration is submitted herewith to further identify the at least one error which is relied upon to support the reissue application. This Declaration has been executed by two of the three inventors, namely Leonard Pinchuk and Yasushi Kato. The remaining inventor, Rysler Alcime, is in the process of returning to the country to sign the Declaration. The fully executed Supplemental Reissue Oath/Declaration will be submitted shortly upon execution by Rysler Alcime.

2. Replacement Drawing Sheet

Also enclosed is the drawing sheet containing Figures 14-17 with "Replacement Sheet" marked thereon indicating that changes were made to the drawings.

Appln. No.: 09/657,041

BSI-430US8

3. Claims

A copy of claims 40-42 which were previously submitted are now enclosed with all of the claims being underlined.

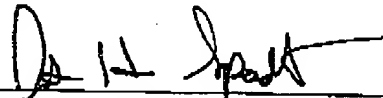
4. Patent

The original U.S. Patent No. 5,855,598 issued January 5, 1999 is enclosed for surrender.

Conclusion

The applicants respectfully assert that all requirements by the Examiner have now been met (with the exception of the fully Executed Supplemental Oath/Declaration which will be submitted forthwith). A notice of allowance of a Reissue Patent with claims 1-30 and 40-42 is respectfully requested upon submission of the Executed Supplemental Oath/Declaration.

Respectfully submitted,



Jonathan H. Spadt, Reg. No. 45,122
Attorney for Applicants

JHS/dhm

Attachments: Replacement Sheet of Figures 14-17 (1 sheet)
Partially executed Supplemental Reissue Oath/Declaration
Claims 40-42 (underlined)
Original U.S. Patent No. 5,855,598

Dated: December 9, 2003

☒ P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

Appln. No.: 09/657,041

BSI-430US8

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December 9, 2003

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Replacement Sheet

FIG.14

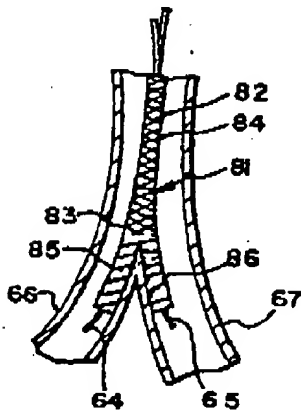


FIG.15

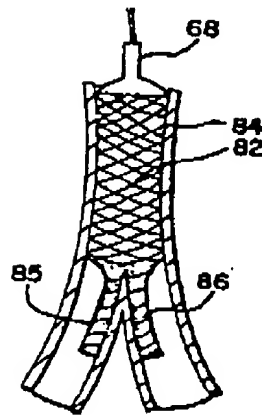


FIG.16

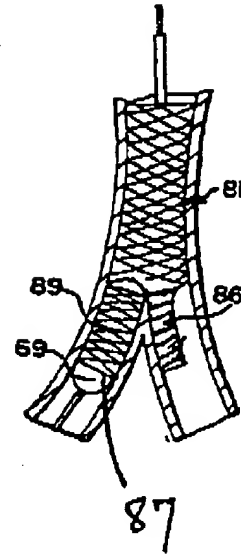
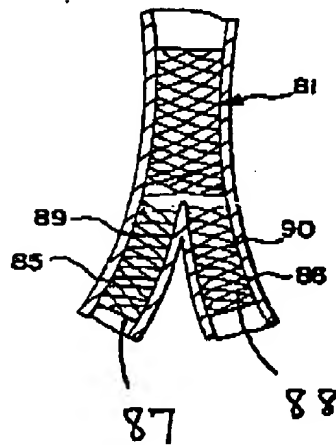


FIG.17



40. A multi-component bifurcating expandable supportive endoluminal graft comprising:

a plurality of expandable supportive endoluminal components adapted to be individually deployed at a selected location within a body vessel, each said supportive endoluminal graft component being radially compressible for endoluminal insertion and radially expandable for deployment at a desired location within a body vessel;

one of said expandable supportive endoluminal components is a trunk component, said trunk component generally surrounding a trunk liner positioned within said trunk component, said trunk liner having a generally cylindrical body portion and two leg portions, each said leg portion defining a leg opening, wherein the generally cylindrical body portion of said liner and portions of said leg portions abut said tubular supporting member and are secured to said tubular supporting member, and portions of said leg portions not abutting said tubular supporting member abut one another and are secured to one another;

at least one other of said expandable supportive endoluminal components is a generally cylindrical supportive leg component; and

said generally cylindrical supportive leg component and one of said leg portions of said liner, when said leg component and trunk component are deployed within the body vessel, are telescopically positioned with respect to each other.

The supportive endoluminal graft of claim 40, wherein said generally cylindrical supportive leg component has an end portion which, when deployed, is positioned within said leg opening of the trunk liner.

The supportive endoluminal graft of claim 40 or claim 41, wherein said plurality of expandable supportive endoluminal components are self-expanding.

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Approved for use through 10/31/2002. OMB 0651-0033
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SUPPLEMENTAL REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)
BSI-430US8

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,855,598 granted January 5, 1999, and for which a reissue patent is sought on the invention entitled EXPANDABLE SUPPORTIVE BRANCHED ENDOLUMINAL GRAFTS.

the specification of which

☐ is attached hereto.

☒ was filed on September 5, 2000 as reissue application number 09/657,041
and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

This reissue is a broadening reissue. At least the following errors exist as a basis for this reissue:

1. Originally the claims required that the liner of the trunk component have both a generally cylindrical upper body portion and a generally cylindrical lower body portion. The error is that this is unduly narrow in that the liner need only have a generally cylindrical body portion and two leg portions.
2. Originally the claims required several steps to make a supportive graft, including inserting and inflating a liner. The error here is that this is unduly narrow in that the specification also teaches simply a method of forming a supporting component comprising the steps of forming a support component and crimping at least one portion to provide a multiple-lumen portion.

(Page 1 of 2)

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)				Docket Number (Optional) BSI-430US8	
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.					
Name(s)		Registration Number			
Jonathan H. Spadt		45,122			
Paul F. Prestia		23,031			
(additional listed on attached sheet)					
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.					
Full name of sole or first inventor (given name, family name) Leonard Pinchuk					
Inventor's signature		<i>Leonard Pinchuk</i>			
Residence Miami, Florida		Date October 2, 2003			
Mailing Address 13704 SW 92 Court Miami, Florida 33176		Citizenship USA			
Full name of second joint inventor (given name, family name) Rysler Alcime					
Inventor's signature		Date			
Residence Miami, Florida		Citizenship USA			
Mailing Address 925 N.E. 122th Street Miami, Florida 33161					
Full name of third joint inventor (given name, family name) Yasushi Kato					
Inventor's signature		Date Oct. 02, 2003			
Residence Pembroke Pines, Florida 33029		Citizenship USA JAPAN <i>YK</i> 10/2/03			
Mailing Address 311 S.W. 187th Avenue Pembroke Pines, Florida 33029					
<input type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto.					

(Page 2 of 2)

The United States of America



The Commissioner of Patents and Trademarks

Has received an application for a patent for a new and useful invention. The title and description of the invention are enclosed. The requirements of law have been complied with, and it has been determined that a patent on the invention shall be granted under the law.

Therefore, this

United States Patent

Grants to the person(s) having title to this patent the right to exclude others from making, using, offering for sale, or selling the invention throughout the United States of America or importing the invention into the United States of America for the term set forth below, subject to the payment of maintenance fees as provided by law.

If this application was filed prior to June 8, 1995, the term of this patent is the longer of seventeen years from the date of grant of this patent or twenty years from the earliest effective U.S. filing date of the application, subject to any statutory extension.

If this application was filed on or after June 8, 1995, the term of this patent is twenty years from the U.S. filing date, subject to any statutory extension. If the application contains a specific reference to an earlier filed application or applications under 35 U.S.C. 120, 121 or 365(c), the term of the patent is twenty years from the date on which the earliest application was filed, subject to any statutory extension.

2. Todd Pichman

Acting Commissioner of Patents and Trademarks

Pandra L. Morton

Attest

United States Patent [19]

Pinchuk

[11] Patent Number: 5,855,598
[45] Date of Patent: *Jan. 5, 1999

[54] EXPANDABLE SUPPORTIVE BRANCHED ENDOLUMINAL GRAFTS

[75] Inventor: Leonard Pinchuk, Miami, Fla.

[73] Assignee: Corvita Corporation, Miami, Fla.

[*] Notice: The term of this patent shall not extend beyond the expiration date of Pat. No. 5,639,278.

[21] Appl. No.: 863,964

[22] Filed: May 27, 1997

Related U.S. Application Data

[63] Continuation-in-part of Ser. No. 558,028, Nov. 13, 1995, Pat. No. 5,632,772, and a continuation-in-part of Ser. No. 558,034, Nov. 13, 1995, Pat. No. 5,639,278, each is a continuation-in-part of Ser. No. 140,245, Oct. 21, 1993, abandoned.

[51] Int. Cl.⁶ A61F 2/06

[52] U.S. Cl. 623/1

[58] Field of Search 623/1, 11, 12

[56]

References Cited

U.S. PATENT DOCUMENTS

3,700,380	10/1972	Kitrilakis	623/1
4,173,689	11/1979	Lyman et al.	521/64
4,286,341	9/1981	Greer et al.	623/1
4,323,525	4/1982	Bornat	264/24
4,459,252	7/1984	MacGregor	264/46.9
4,475,972	10/1984	Wong	156/167
4,512,338	4/1985	Balko et al.	128/1 R
4,555,771	11/1985	Wallsten	623/1
4,580,568	4/1986	Gianurco	128/345
4,604,762	8/1986	Robinson	623/1
4,712,553	12/1987	MacGregor	128/355.5
4,731,073	3/1988	Robinson	623/1
4,733,665	3/1988	Palmar	128/343
4,738,740	4/1988	Pinchuk et al.	156/167

4,800,882 1/1989 Gianurco 128/343

(List continued on next page.)

FOREIGN PATENT DOCUMENTS

009941	4/1980	European Pat. Off.	
461791	12/1991	European Pat. Off.	
539237	4/1993	European Pat. Off.	623/1
551179	7/1993	European Pat. Off.	
686379	12/1995	European Pat. Off.	
603959	9/1996	European Pat. Off.	
3918736	12/1990	Germany	
1205743	9/1970	United Kingdom	
2115776	9/1983	United Kingdom	
2189150	10/1987	United Kingdom	623/1
9206734	4/1992	WIPO	
09246	6/1992	WIPO	623/1
9401056	1/1994	WIPO	
9413224	6/1994	WIPO	
9513033	5/1995	WIPO	623/1

Primary Examiner—Michael J. Milano

Attorney, Agent, or Firm—Lockwood, Alcx. Fitz-Gibbon & Cummings

[57]

ABSTRACT

An endoluminal graft which is both expandable and supportive is provided in a form suitable for use in a branched body vessel location. The graft expands between a first diameter and a second, larger diameter. The support component is an expandable stent endoprosthesis. A liner is applied to the endoprosthesis in the form of a compliant wall material that is porous and biocompatible in order to allow normal cellular invasion upon implantation, without stenosis, when the expandable and supportive graft is at its second diameter. The supportive endoluminal graft is preferably provided as a plurality of components that are deployed separately at the branching body vessel location, one of which has a longitudinal seam defining leg portions within which the other components fit in a telescoping manner.

30 Claims, 6 Drawing Sheets

